

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HEARST COMMUNICATIONS, INC. et al., :
Plaintiff, : 25-CV-01615 (JAV)
: :
-v- : ORDER
RUGS AMERICA CORP., et al., :
: :
Defendants. :
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JEANNETTE A. VARGAS, United States District Judge:

On July 28, 2025, Plaintiffs filed a letter-motion raising disputes with respect to Defendants' responses to requests for the production of documents ("RFPs"), interrogatories, and requests for admission ("RFAs"). ECF No. 42. Plaintiffs request that the Court (1) order Defendants to make full productions of documents responsive to RFPs 1-2 and 5-22 compliant with the parties' ESI protocol, as agreed to by the parties, within one week of the Order; (2) deem Defendants' objections to Plaintiff's RFPs waived; (3) order the production of document responsive to Requests Nos. 23-33; (4) order that Defendants supplement their interrogatory responses; (5) deem that each of the matters in the RFAs are admitted due to Defendants' tardiness, or, in the alternative, deem that each of the matters in the RFA as admitted due to their form; and (5) grant attorney's fees. *Id.*

In his response, Defendant admits that there were delays in responding to discovery, but argues that such delays were of short duration, during a period of ongoing communication between counsel, and should not result in waiver of objections. ECF No. 43. Defense counsel additionally agrees that he will correct any deficiencies in the RFA responses as to form and that he will complete the agreed-upon document productions, including the ESI. *Id.* Defense counsel

indicates that with respect to interrogatory responses, he has already informed Plaintiff that there are no additional individuals to identify. *Id.* As to RFPs 23-33, Defendants object on relevance grounds. *Id.*

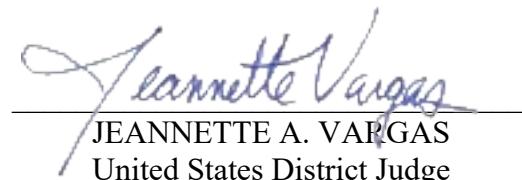
Plaintiffs' requests are **GRANTED IN PART AND DENIED IN PART**. The Court rules as follows:

- The Court orders Defendants to make produce all documents responsive to RFPs 1-2 and 5-22, in accordance with the parties' ESI protocol, by Thursday, August 7, 2025.
- Plaintiffs' request that this Court deem Defendants' failure to object to the document requests as waived is **DENIED**.
- Plaintiffs' request that this Court deem that each of the matters in the RFAs be deemed admitted due to Defendants' tardiness, or, in the alternative, deem that each of the matters in the RFA as admitted due to their form, is **DENIED**. By no later than August 7, 2025, Defendants shall resubmit their responses to the RFAs to conform to the requirements of Federal Rule of Civil Procedure Rule 36.

The Court will hold a conference on **Friday, August 7, 2025, at 11:30 a.m. via Microsoft Teams (Meeting ID: 280 524 124 659 6; Passcode: se796JS9)**. At the conference, the parties should be prepared to discuss 1) the dispute regarding RFP Nos. 23-33; 2) whether there remains a live issue with respect to supplementation of the interrogatory responses; and 3) Plaintiffs' request for attorney's fees.

SO ORDERED.

Dated: August 5, 2025
New York, New York



JEANNETTE A. VARGAS
United States District Judge